A4298

BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

ADVISORY COUNCIL

SUBCOMMITTEE ON REGULATION CONSISTENCY

Friday
December 2, 1977
9:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

COMMITTEE MEMBERS PRESENT: William B. McCormick, Chairperson; Shirley J. Campbell, Michael V. Dyett, Jack C. Oppenheimer, Walter Toney.

COMMITTEE MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Thomas F. Bell, Edward W. McHugh, Silvia Escamilla.

- - - - -

Chairperson McCormick called the meeting to order at 9:05 A.M.

APPROVAL OF MINUTES OF NOVEMBER 7, 1977

Mrs. Campbell moved the minutes of November 7, 1977 be approved; seconded by Mr. Dyett; carried.

REVIEW OF THE FORMAT OF THE RULES AND REGULATIONS AND USERS GUIDE

The Committee reviewed the latest drafts of Regulation 2, Regulation 3, Rule 11 of Regulation 5, all Rules of Regulation 7, and Regulations 8 through 13 submitted under Mr. McHugh's Memorandum entitled, December 2 Committee Meeting, dated November 23, 1977 and also the Staff's version of the Users Guide and the various Indexes.

There was discussion regarding the numbering system of Definitions on the Index; the Committee agreed that where applicable the description of the definitions should be indexed single spaced under the main heading.

Mr. Dyett recommended that the titles of the Rules and Regulations appear at the top of each Index, stating that even though these Indexes will be

printed on the back of each Regulation the Index will have other purposes such as for administrative requirements and/or hearings besides the convenience it will be to the User. The Committee agreed and accepted Mr. Dyett's recommendation. The Committee accepted the Staff's version of the Index with the above changes.

The Committee reviewed the Users Guide and after discussion the following changes were made, after which the Users Guide was accepted by the Committee:

All titles of the Regulations to be capitalized and not underlined.

Regulation 7 - Description to read: New Plant Performance and Emission Standards. This Regulation establishes emission and/or performance standards for new plants and other sources as designated in the following Rules.

Regulation 8 - Description to read: Odorous Substances. This Regulation .....limitations.....

Regulation 12- Description to read: Open Burning. This Regulation forbids open burning within the District with certain exemptions.

Page 3, third paragraph to read:

> Not all the above series are applicable to every Rule and Regulation, so the relevant series numbers will not be used in those cases. When a series is not applicable, the series number will appear in the Index for that Rule or Regulation followed by the words "Not Included". However, other Regulations and/or Rules may include pertinent provisions, exemptions and requirements relating to the requirements in the subject Rule or Regulation.

Fourth paragraph to read:

> The Manual of Procedures (MOP) includes laboratory analytical procedures and other technical information which will be used to determine compliance with the District's Rules and Regulations.

The Committee reviewed the Rules and Regulations and made the following changes:

Regulation 2 was approved and accepted.

Regulation 3 was approved and accepted. Line 1 - colon to be inserted instead of the period in §§3-412 and 3-413.

Regulation 5, Rule 11 was approved and accepted with the following changes:

Include reporting in 400 series.

Subsections under §5-11-303 Fuel Burning: renumbered to 303.1, 303.2 and 303.3.

§5-11-601 the words "shall be" in the third line deleted.

§5-11-602 the words "shall be" in the second line deleted.

§5-11-603 the words "shall be" in the fourth line deleted.

Regulation 7, Rule 1 accepted.

Regulation 7, Rule 2, §7-2-101 the word "section added in the last line. The Committee accepted this Rule.

Regulation 7, Rules 3 through 21 the Committee approved and accepted after requesting that each Definition be listed in the Index of each Rule.

The following change was made in Rule 21 of Regulation 7, page 5, last line, §7-21-400 ADMINISTRATIVE REQUIREMENTS to be deleted from this page and to be typed at the top of page 6.

Regulation 8, the Committee approved and accepted this Rule with the following changes: Definitions to be listed in the Index; Table 1, Dilution Rates, sub-title in second column to read "(Volumes of odor-free air per volume of source sample).

The Committee accepted Regulations 9, 10, 11, 12 and 13 after requesting that Definitions be index in each Regulation.

Mr. Dyett stated that where applicable the Index should list Exemptions and Exclusions.

There was discussion on the definition of "source", Mr. McHugh stated that "source" is any operation that produces air pollution and that it should be defined as what it does. There was also discussion on the present wording "No person shall. . ." and that the words used in the new format are "A person shall not...." it being pointed out the District's Legal Counsel advice is that the use of the words "A person shall not...." were legal and would not cause any problem.

The Committee agreed it would recommend the proposed format and Users Guide to the Advisory Council on January 11, 1978.

Mr. Dyett moved that the Consistency Committee recommend to the Advisory Council the adoption of the format as the Committee has decided and that the concept of the Users Guide and the Index scheme be used from December 2, 1977 on and recommend that this format be used in the Rules and

Regulations not yet recodified. Motion carried on roll call:

AYES: CAMPBELL, DYETT, McCORMICK, TONEY.

NOES: NONE

ABSENT: OPPENHEIMER

The Committee requested that the Users Guide be circulated to the Advisory Council for its consideration before its next meeting. Staff indicated that Regulations 1, 4 and 6 would be completed and sent also to the Advisory Council.

Chairperson McCormick in comments stated that he considered the Consistency Committee's assignment to review all the Rules and Regulations as being completed.

The meeting adjourned at 10:00 A.M.

Respectfully submitted,

Silvia Escamilla
Minutes Clerk

SE

A4298

University of California, Berkeley
Institute of Governmental Studies
Library

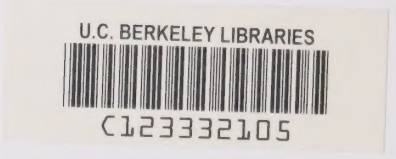
Minutes / Bay Area Air Pollution
Control District, Advisory
Council, Subcommittee on
Regulation Consistency.

Dec 2,
1977

IGSL

INSTITUTE OF GOVERNMENTAL STUDIES LIBRARY
109 PHILOSOPHY HALL
UNIVERSITY OF CALIFORNIA
BERKELEY, CA 94720

A4298
Dec 2. 1977



INSTITUTE OF GOVERNMENTAL STUDIES LIBRARY
109 PHILOSOPHY HALL
UNIVERSITY OF CALIFORNIA
BERKELEY, CA 94720